

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

ORDER AMENDING THE SEPTEMBER 22, 2006
ADMINISTRATIVE ORDER ON CASE MANAGEMENT PRIORITIES

THIS MATTER is before the Court on the July 12, 2007, Joint Motion to Amend the September 22, 2006, Administrative Order on Case Management Priorities (Docket No. 8729), filed by the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”), Rio de Chama Acequia Association, Asociación de Acéquias Norteñas de Rio Arriba, Gallina–Capulin Acequia Association, La Asociación de las Acequias del Rio Vallecitos, Tusas y Ojo Caliente, El Rito Ditch Association (collectively “the Acequias”), the United States of America, and the Jicarilla Apache Nation, by and through their counsel of record. The Administrative Order (No. 4813) was entered by the Court to manage and coordinate the resolution of non-Indian water rights claims in the Taos, Chama and Santa Cruz/Truchas adjudications.

Counsel for the parties identified above met to discuss proposed changes to the Administrative Order and are in agreement with the changes described herein. Counsel also discussed these matters with the Special Master on July 11, 2007. In particular, counsel were concerned that the Administrative Order does not give first priority to the determination of priority dates or irrigation

water requirements in Section 5 of the Chama Stream System (Rio Gallina) or the final determination of priority dates in Section 1 (Chama Mainstream). For these matters to be given first priority, certain other matters in the Chama adjudication must be reduced to second or third priority in order to balance the demands on counsel and the staff and resources of the parties.

Having been fully advised in the premises, the Court finds the Joint Motion to be well-taken, and that the Administrative Order should be amended to reflect the following changes to the prioritization of matters in the Chama adjudication:

First Priority: Resolution of the following non-Indian matters in the Taos and the Chama adjudications shall be first priority among the Three NNM adjudications:

1. All matters listed under Exhibit 1¹ for the Taos adjudication, except groundwater and domestic and stock water claims.
2. Primary subfile work in the Chama adjudication Sections 3 and 7.
3. Litigation of disputed subfile claims in the Chama adjudication Sections 3 and 7.
4. Determination of priority dates and irrigation water requirements in the Chama adjudication Section 5.
5. Federal Wild and Scenic River Act claims in Section 1.
6. Determination of priority dates of community and private ditches in the Chama Adjudication Section 1, followed by amendment of 1971 Partial Final Decree for Section 1 with respect to priority dates.

The State shall allocate its resources to first priority matters over second and third priority

¹ Exhibit 1 is appended to the September 22, 2006, Administrative Order.

matters. As between the Taos and Chama adjudications, completion of the outstanding non-Indian matters in Taos shall be given the higher priority.

Second Priority: Resolution of the following matters in the Taos and the Chama adjudications shall be second priority among the Three NNM adjudications:

1. Adjudication of groundwater and domestic and stock water uses in the Taos adjudication.
2. Federal non-Indian proprietary claims in the Chama adjudication in Sections 3 and 5.
3. Inter se proceedings and entry of an interim or partial final decree for surface water irrigation water use in the Chama adjudication Section 5.
4. Primary subfile work and E & O Claims in the Chama adjudication Section 2.
5. E & O claims in the Chama adjudication, Sections 1 and 4. As between the E & O claims in Sections 1, 2 and 4, the Court and parties will address the claims in Section 1 first.
6. Determination of priority dates and water allocation customs between acequias for community and private ditches in the Chama adjudication Sections 3 and 7.
7. Determination of the diversion and irrigation water requirements in the Chama adjudication Sections 3 and 7.

Third Priority: Resolution of all other non-Indian matters not identified above shall be third priority. The State shall pursue resolution of third priority matters with due diligence, but shall not allocate resources to third priority matters at the expense of first or second priority matters.

The above re-prioritization does not alter the status of any claims under the Treaty of

Guadalupe Hidalgo, currently a third priority matter. Issues regarding the effect of the Treaty may be raised, however, when relevant or material to the resolution of first or second priority matters.

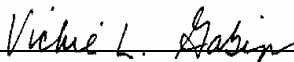
Further, the above re-prioritization does not affect the January 16, 2007, Scheduling and Procedural Order Governing the Outstanding Water Claims of the Jicarilla Apache Nation (No. 8531).

At any time, the parties may request by motion either a revision of these case management priorities or otherwise raise before the Court matters which may require immediate attention.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

Approved:


SPECIAL MASTER